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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, *et al.*,

*Plaintiffs,*

v.

JASON KESSLER, *et al.*,

*Defendants.*

CASE NO. 3:17-cv-00072

COVID-19 HEALTH  
PRECAUTIONS ORDER

JUDGE NORMAN K. MOON

The COVID-19 pandemic has caused and continues to cause great risk to the health and safety to those in the Western District of Virginia. Although vaccines are widely available and the Virginia Department of Health reports that approximately 60.5% of Virginia adults are fully vaccinated,<sup>1</sup> the Delta variant and widely varying local vaccination rates<sup>2</sup> threaten to derail the progress that has been made over the last several months to re-open the courts for in-person proceedings while keeping parties, attorneys, jurors, and court staff safe. Indeed, as one district-wide measure taken in the Western District toward that end, a Standing Order has been entered requiring all Court employees to either get vaccinated or be tested weekly for COVID-19 and wear a mask while indoors in court facilities.<sup>3</sup>

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<sup>1</sup> Virginia Department of Health, COVID-19 Vaccine Summary, <https://www.vdh.virginia.gov/coronavirus/covid-19-in-virginia/covid-19-vaccine-summary/> (last visited October 3, 2021).

<sup>2</sup> *See id.*

<sup>3</sup> Standing Order No. 2021-17, *In re: Court Operations under the Exigent Circumstances Created by the Outbreak of COVID-19: COVID-19 Testing Order* (Sept. 9, 2021), <http://www.vawd.uscourts.gov/media/31985587/standing-order-2021-17.pdf>.

The Standing Orders of this District detail findings and consideration of the recent state of the COVID-19 pandemic, including “[t]he staggering surge of the Delta variant this summer” that “has caused the COVID-19 community transmission rate to be at the HIGH level throughout the Western District of Virginia,” as well as “an increase in hospitalizations across the United States, Virginia, and this District.” Standing Order 2021-17 at 1; *see also* Standing Order 2021-16 at 1–3. The Court **incorporates** these and other findings and considerations from the Standing Orders regarding the state of the COVID-19 pandemic. *See* Standing Orders 2021-16, 2021-17. The average of new daily cases remains substantially higher than it was months ago.<sup>4</sup>

This matter is set for a four-week jury trial, between October 25 and November 19, 2021. The size and scope of trial, including the number of litigants, counsel, and anticipated witnesses, is substantial. The parties have identified as many as 150 witnesses they do or may intend to call at trial. *See* Dkts. 1042, 1043, 1045, 1046, and 1047. The Court then ordered the parties to meet and confer regarding witnesses who may be called upon to testify remotely by videoconference. Dkt. 1058. Thereafter, Plaintiffs’ counsel advised the Court that, with one possible exception, the parties intended that “all witnesses – Plaintiffs, Defendants, and third parties – will testify in person ....” Dkt. 1100 at 1–2; *see also* Dkt. 1130 (Cantwell also does not intend to present any witness testimony remotely). There are over twenty Plaintiffs and Defendants in total in this case. There are even more counsel of record. The Court further anticipates that one or both sides will also request several support staff to be in the courtroom.

In view of the current state of the COVID-19 pandemic in Virginia, the Western District and in the Charlottesville Division in particular, and considering the circumstances in this case

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<sup>4</sup> Virginia Department of Health, COVID-19 Cases, <https://www.vdh.virginia.gov/coronavirus/covid-19-in-virginia/covid-19-in-virginia-cases/> (last visited October 3, 2021).

leading up to the scheduled trial, the Court **FINDS** it to be a necessary and appropriate measure to protect the parties, attorneys, court staff, and potential jurors and to decrease risk of exposure to COVID-19, that the Court **ORDER** as follows

***General Health Precautions re: COVID-19***

**Masks.** “**All persons** over the age of two years, seeking entry into the federal courthouses within the Western District of Virginia, **whether vaccinated or not** ... are required to wear a mask or face covering while in public or common spaces inside the courthouse ....” Standing Order 2021-16 at 3.<sup>5</sup> Such “public or common spaces” include “the entrance areas, lobbies, public corridors, elevators, restrooms, stairwells, garages, courtrooms, and any other areas of the Courthouse where the public generally has access.” *Id.* at 4. “The mask or face covering must completely cover the wearer’s nose and mouth.” *Id.* The Court has and will exercise discretion to allow individuals to remove their mask when speaking on the record during trial. *Id.*

**Social-Distancing.** Social distancing of at least six feet shall be maintained whenever possible throughout the Charlottesville federal Courthouse, during trial or during any in-person pretrial conference or visit to the Courthouse. Standing Order 2020-14 at 3,<sup>6</sup> Standing Order 2021-16 at 1. Individuals should be aware of their surroundings and should comply with all signage throughout the Courthouse as pertains to social distancing.

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<sup>5</sup> Standing Order No. 2021-16, *In the Matter of: Court Operations and Amendment of Standing Order 2021-11* (Aug. 3, 2021), <http://www.vawd.uscourts.gov/media/31985266/standing-order-2021-16.pdf>.

<sup>6</sup> Standing Order No. 2020-14, *In the Matter of: Court Operations Under the Exigent Circumstances Created by COVID-19: Phase I Reopening* (June 8, 2020), <http://www.vawd.uscourts.gov/media/31965792/covid-19-phase-i-reopening.pdf>.

**Courtroom.** To reduce the number of persons in the Courtroom during trial as a necessary means to reduce the risk of spread of COVID-19, and further a security precaution recommended by the U.S. Marshal's Service, the Court intends to restrict Courtroom attendance to litigants, counsel of record, jurors, witnesses, and court staff and security. Plaintiffs have agreed that they will have no more than **nine (9)** participants from their side in the Courtroom at any given time (including Plaintiffs, counsel, and support staff). *See* Dkt. 978 at 24.

The Court **orders the social distancing of all individuals within the courtroom to the greatest extent practicable**, but, if they so decide, counsel, their staff and litigants need not be socially distant from such persons on their side, and any court staff. The Court so orders this as an exercise of the Court's discretion under Standing Order 2021-11.

\*\*\* Any interested members of the public or press may listen to a live, audio broadcast of the trial at any time. Directions to listen to trial audio will be posted on a notice on the Court's website as well as on the docket. In addition, interested members of the public or press on a first-come-first-served basis may view remote video broadcast of the courtroom from another location (the grand jury suite) on the first floor of the Courthouse. The Court anticipates that about **fifteen (15) persons** will be able to view the trial from this location. All persons viewing the trial from this location shall be required to wear masks, practice social distancing, and conduct health-assessments as set forth elsewhere in this Order, and as otherwise required of all persons who enter the Charlottesville Courthouse by the District's Standing Orders.

**Health Self-Assessments.** All participants planning to attend any in-person pre-trial conferences or hearings, attend trial, or otherwise visit the Courthouse, **must conduct a health self-assessment before entering the Courthouse**. If any such person exhibits symptomatic signs of COVID-19 infection per CDC guidance (e.g., temperature over 100.4, fever or chills,

cough, shortness of breath, difficulty breathing, sore throat, unusual fatigue, muscle or body aches, new loss of taste or smell, nausea, vomiting, or diarrhea), the person **should stay home**.

Standing Order 2021-11 at 3.<sup>7</sup> In such event, any such person **shall promptly notify the Clerk's Office** at (434) 296-9284.

**Notice to Court of COVID-19 Events.** If counsel becomes aware of any counsel of record, litigant, witness, or any other necessary case participant, who had visited or intended to attend in person a pre-trial hearing or trial in this case at the Charlottesville federal courthouse, who (i) has tested positive for COVID-19, (ii) has been in "close contact" with someone with COVID-19 within the meaning of CDC Guidance,<sup>8</sup> or (iii) on account of conducting the health self-assessment described above, concludes they should not come to the Courthouse, **counsel shall promptly advise the Court** at [moon.ecf@vawd.uscourts.gov](mailto:moon.ecf@vawd.uscourts.gov) **and the Clerk's Office** at (434) 296-9284, to that effect.

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<sup>7</sup> Standing Order No. 2021-11, *In the Matter of: Court Operations and Amendment of Standing Order 2020-14* (May 24, 2021), <http://www.vawd.uscourts.gov/media/31980922/court-operations-and-amend-so-2020-14.pdf>.

<sup>8</sup> "Close Contact through proximity and duration of exposure: Someone who was less than 6 feet away from infected person (laboratory-confirmed or a clinical diagnosis) for a cumulative total of 15 minutes or more over a 24-hour period." CDC, Appendices, Appendix A – Glossary of Key Terms, <https://www.cdc.gov/coronavirus/2019-ncov/php/contact-tracing/contact-tracing-plan/appendix.html#contact>.

*Vaccination or Negative COVID-19 Test Attestation*<sup>9</sup>

In view of the current state of the COVID-19 pandemic in Virginia, the Western District and in the Charlottesville Division in particular, and considering the circumstances in this case leading up to the scheduled trial, the Court further **FINDS** it to be a necessary and appropriate measure to protect the parties, attorneys, court staff, and potential jurors and to decrease risk of exposure to COVID-19, that the Court **ORDER** as follows:

- (1) All parties, attorneys, witnesses, and court staff who are not fully vaccinated<sup>10</sup> will be required to show proof of a negative COVID-19 test that was administered no more than three days prior to his/her appearance in court;
- (2) Any party or witness who is not fully vaccinated and has not received a negative COVID-19 test result from a test administered no more than three days prior to his/her appearance in court will not be permitted entry into the courtroom. Properly subpoenaed witnesses who are not permitted entry into the courtroom under the terms of this Order will be expected to appear via ZoomGov.com. Failure to do so may result in sanctions up to and including contempt of court;
- (3) All parties, attorneys, witnesses, court staff, and jurors will be required to wear a mask at all times. Any person who is fully vaccinated may remove his/her mask when speaking on the record. All other persons must remain masked at all times; and
- (4) Any person who appears in court under the terms of this Order, including anyone who is fully vaccinated, must promptly notify the court if he/she tests positive for COVID-19 within 14 days of his/her appearance in court.

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<sup>9</sup> Other recent trials in the Western District of Virginia have been conducted with these requirements in place. See *Maltese v. Smith Transport*, No. 3:19-cv-60 (W.D. Va. Sept. 20, 2021) (Dkt. 92) (Moon, J.) (five-day jury trial, September 27 to October 1, 2021); *Flanagan v. Searce*, No. 7:19-cv-413 (W.D. Va. Sept. 16, 2021) (Dkt. 129) (Cullen, J.) (three-day jury trial, September 28 to 30, 2021). Upcoming jury trials are subject to similar requirements. *Kelly v. Town of Abingdon*, No. 1:19-cv-32 (W.D. Va. Sept. 22, 2021) (Dkt. 94) (Jones, J.) (three-day jury trial, October 5 to 7, 2021).

<sup>10</sup> "Fully vaccinated" means at least two weeks have passed since receipt of the second dose of a two-dose vaccine (Pfizer or Moderna) or receipt of a single-dose vaccine (Johnson & Johnson).



For purposes of testing, only polymerase chain reaction, commonly known as “PCR,” and rapid antigen test results will be accepted. For any “parties, attorneys, witnesses, and court staff” planning to visit the Courthouse for multiple days based upon the results of a negative COVID-19 test (rather than vaccination), this Order imposes a duty to conduct such further tests so that for every day of attendance, they have “received a negative COVID-19 test result from a test administered no more than three days prior to his/her appearance” into the courtroom. For example, if such a visitor intends to come to the Courthouse for a full week of trial, and shows proof of a negative COVID-19 test from the Sunday before trial, they will be required to show proof of another COVID-19 test from the Tuesday or Wednesday to come to the Courthouse on the Thursday and Friday.

To the extent that any person does not have an insurance plan that covers all costs associated with COVID-19 testing, no-cost testing may be available through that individual’s local health department.<sup>11</sup> But the unavailability of no-cost testing will not excuse non-compliance with the terms of this Order.

Any party or counsel of record who is unable to attend the trial in person, on account of failure or inability to comply with the terms of this Order, shall have remote video and audio access to the trial via ZoomGov.com.

All parties will be expected to secure a completed COVID-19 attestation form—a copy of which is attached to this Order—from every witness *prior* to their appearance in court and present those to the presiding judge’s chambers at least one day prior to the witnesses’ scheduled

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<sup>11</sup> Virginia Department of Health, COVID-19 [Blue Ridge Health District] Testing Sites, available at <https://www.vdh.virginia.gov/blue-ridge/covid-19-tjhd-testing-sites/> (last visited October 4, 2021).

appearances. Failure to provide completed COVID-19 attestation forms as directed herein will preclude the witness from appearing in-person.

It is so **ORDERED**.

The Clerk of Court is directed to send a certified copy of this Order to the parties.

Entered this 4th day of October, 2021.

  
\_\_\_\_\_  
NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE

**Western District of Virginia  
COVID-19 Vaccination Status Attestation**

Please complete and sign this self-attestation concerning your COVID-19 vaccination status. You do not need to provide any medical information on this form, nor any explanation concerning your decision to receive or not receive a COVID-19 vaccine. For purposes of this form, being "fully vaccinated" means that two weeks have passed after receiving the second dose of a two-dose vaccine (Pfizer or Moderna) or after receiving the single-dose vaccine (Johnson & Johnson). Once completed, this form should be returned to the presiding judge's chambers.

Name: \_\_\_\_\_

Classification:      \_\_\_ Party                      \_\_\_ Attorney                      \_\_\_ Witness

**Please choose one of the following:**

- \_\_\_ 1.      I am fully vaccinated.
- \_\_\_ 2.      I received my second dose of the Pfizer or Moderna vaccine or my single dose of the Johnson & Johnson vaccine less than two weeks ago on \_\_\_\_\_.
- \_\_\_ 3.      I received my first dose of the Pfizer or Moderna vaccine, and my second appointment is scheduled for \_\_\_\_\_.
- \_\_\_ 4.      I have not been vaccinated, but I took a COVID-19 test within three days of my appearance in court and have received a negative result. The date my last test was administered was \_\_\_\_\_. Please attach documentation indicating (a) the date your test was administered and (b) a negative result.

I understand that I am required to provide accurate information on this form. I hereby affirm that I have accurately and truthfully answered the above question. I also understand that if I stated that I am fully or partially vaccinated, the Court may request documentation of my vaccination status (e.g., a copy of my vaccine card or other similar official document confirming vaccination status).

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

### **Notice of Electronic Filing**

The following transaction was entered on 10/6/2021 at 11:56 AM EDT and filed on 10/6/2021

**Case Name:** Sines et al v. Kessler et al  
**Case Number:** 3:17-cv-00072-NKM-JCH  
**Filer:**  
**Document Number:** 1164(No document attached)

**Docket Text:**

**ORAL ORDER granting [1137] MOTION for Khary J. Anderson to Appear Pro Hac Vice in this case. Entered by Magistrate Judge Joel C. Hoppe on 10/6/21. *This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.*(JCH)**

### **Notice of Electronic Filing**

The following transaction was entered on 10/6/2021 at 11:59 AM EDT and filed on 10/6/2021

**Case Name:** Sines et al v. Kessler et al  
**Case Number:** 3:17-cv-00072-NKM-JCH  
**Filer:**  
**Document Number:** 1165(No document attached)

**Docket Text:**

**ORAL ORDER granting [1138] MOTION for Gemma Seidita to Appear Pro Hac Vice in this case. Entered by Magistrate Judge Joel C. Hoppe on 10/6/21. *This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.*(JCH)**

### **Notice of Electronic Filing**

The following transaction was entered on 10/6/2021 at 12:01 PM EDT and filed on 10/6/2021

**Case Name:** Sines et al v. Kessler et al  
**Case Number:** 3:17-cv-00072-NKM-JCH  
**Filer:**  
**Document Number:** 1166(No document attached)

**Docket Text:**

**ORAL ORDER granting [1139] MOTION for Allegra K. Flamm to Appear Pro Hac Vice in this case. Entered by Magistrate Judge Joel C. Hoppe on 10/6/21. *This Notice of Electronic Filing is the Official ORDER for this entry. No document is attached.*(JCH)**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

ELIZABETH SINES, *et al.*,

*Plaintiffs,*

v.

JASON KESSLER, *et al.*,

*Defendants.*

CASE NO. 3:17-cv-00072

ORDER

JUDGE NORMAN K. MOON

Upon consideration of the parties' proposed questions to be included in a questionnaire to prospective jurors, Dkts. 1027, 1029, and as a measure to facilitate efficient selection of the jury in this case, and to reduce the number of persons in the Courtroom at any given time during jury selection on account of the COVID-19 pandemic, the Court found it necessary and appropriate to send the accompanying blank questionnaire to prospective jurors for the jury trial scheduled between October 25 and November 19, 2021. The fact that certain questions proposed by the parties were not included in the questionnaire is without prejudice to a party's ability to propose such questions to be asked by the Court during *voir dire*, subject to consideration of any objections thereto. *See* Dkt. 991 at 2 (¶ 10).

It is so **ORDERED**.

The Clerk of Court is directed to send a certified copy of this Order to the parties.

Entered this 6th day of October, 2021.

  
NORMAN K. MOON  
SENIOR UNITED STATES DISTRICT JUDGE

COURT USE

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
JUROR QUESTIONNAIRE**

It is very important that you fill out and return **all pages** of this questionnaire within **five (5) days of receipt**. You can return it by email to [Charlottesville-jury@vawd.uscourts.gov](mailto:Charlottesville-jury@vawd.uscourts.gov) or by fax to 434-295-8909. **Do not return the Notice for Jury Service with this questionnaire**, which you will need when you call our automated voice messaging system and when you report for jury service.

**Instructions:** Please fill out the following questionnaire to assist in selecting a jury in a civil case. The purpose of these questions is not to unnecessarily ask persons about personal matters. It is to assist in determining whether a prospective juror can fairly and impartially decide the case. The information you provide in this questionnaire will be used by the Court and by persons associated with this case for purposes of selecting a jury.

You must fill out the entire questionnaire. If you cannot answer a question because you do not understand the question, write "Do Not Understand" in the space after the question. If you cannot answer the question because you do not know the answer, write "Do Not Know" in the space after the question. Use extra sheets at the end if necessary.

**YOU ARE NOT TO SEEK ADVICE OR HELP IN ANSWERING ANY OF THE FOLLOWING QUESTIONS. DO NOT DISCUSS THE CONTENTS OF THE QUESTIONNAIRE WITH ANYONE. ALSO, PLEASE DO NOT RESEARCH IN NEWSPAPERS OR ON THE INTERNET, THROUGH PERSONAL INQUIRY OF OTHERS, OR OTHERWISE, THE ALLEGED EVENTS OF AND PARTIES IN THIS CASE TO WHICH THE QUESTIONNAIRE RELATES.**

It is important that the answers be yours alone, and you not discuss the contents of the questionnaire with anyone. There are no right or wrong answers, only truthful answers. After you complete the questionnaire, you must sign the first page and your answers will have the effect of a statement under oath to the Court. Thank you for your candid, honest answers.

I, \_\_\_\_\_ (PRINT NAME), hereby declare under penalty of perjury that the answers set forth in this Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others, or received assistance in completing this questionnaire. I have answered all of the questions in this Jury Questionnaire myself.

Executed in the Commonwealth of Virginia, on this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Signature

**Questionnaire**  
**General Background Questions**

1. Do you have trouble reading, speaking, or understanding English? \_\_\_\_ YES \_\_\_\_ NO

If yes, please describe:

2. What is your age: \_\_\_\_\_

3. Gender: \_\_\_\_\_

4. Race / ethnic background:

- a. White/Caucasian
- b. Black/African American
- c. Asian
- d. Hispanic/Latino
- e. American Indian/Alaskan Native
- f. Native Hawaiian/Pacific Islander
- g. Other: \_\_\_\_\_
- h. Prefer not to say

5. In Which City or County do you live? \_\_\_\_\_

How long have you lived there? \_\_\_\_\_

6. This trial is expected to last approximately four weeks. Do you have any immovable scheduling conflicts between October 25, 2021 and November 19, 2021?

\_\_\_\_ YES \_\_\_\_ NO

If yes, please explain:

7. Do you have any impairments (*i.e.*, vision, hearing, other medical problems) that may affect your jury service? \_\_\_\_ YES \_\_\_\_ NO

If yes, please explain:

8. Marital status: \_\_\_\_\_

\_\_\_\_\_  
COURT USE ONLY

9. If you have any children, please indicate the age, gender, education, and occupation of each:

AGE

GENDER

EDUCATION LEVEL & OCCUPATION

10. What is the highest level of education you have completed? \_\_\_\_\_

11. What is your current employment status? (*please circle all that apply*)

- a. Employed full-time
- b. Employed part-time
- c. Self-employed
- d. Work from home
- e. Homemaker
- f. Retired
- g. Disabled and unable to work
- h. Unemployed / laid off
- i. Student (if so, where and what program? \_\_\_\_\_)

12. If you are employed, without indicating where you work, what is your current occupation, title, and length of that employment?

13. If you have a partner/spouse with whom you reside, is that person currently employed?  
\_\_\_ YES \_\_\_ NO

If yes, please provide their occupation and job title: \_\_\_\_\_

14. Please list any hobbies or special interests you have:

15. Please list any clubs, associations, or groups to which you or your spouse / partner belong in which either of you participates (*i.e.*, civic, social, religious, charitable, volunteer, political, sporting, professional, business, or recreational):

- a. Self: \_\_\_\_\_  
\_\_\_\_\_
- b. Spouse/Partner: \_\_\_\_\_  
\_\_\_\_\_



16. Who are three publicly known people you admire *most*?

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

17. Who are three publicly known people you admire *least*?

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

18. Have you, a family member, or a close friend ever worked in or made any application for employment with any law enforcement or corrections agency or court system, whether local, state, or federal? \_\_\_\_ YES \_\_\_\_ NO

If YES, please state the person's relationship to you and describe the name of the law enforcement agency / court system:

19. Would you tend to give more weight or less weight to the testimony of a law enforcement officer as compared to a non-law enforcement witness?

- a. More weight
- b. About the same amount of weight
- c. Less weight
- d. I don't know/Unsure

20. Have you had any legal training or courses in the study of law, including any paralegal program or on-the-job training? \_\_\_\_ YES \_\_\_\_ NO

If yes, please explain:

21. Are you currently or have you ever been a member of, volunteered time with, or given financial support to any group or organization which is concerned with ethnic or racial issues? (e.g., NAACP, ACLU, Jewish Community Centers ("JCC"), Institute for Historical Review, Color of Change, League of Latin American Citizens ("LULAC"), etc.) \_\_\_\_ YES \_\_\_\_ NO

If yes, please list the groups and explain the support given:

22. Are you currently or have you ever been a member of any private club, civic, professional, or fraternal organization which limits its membership on the basis of race, ethnic origin, gender, or religion? (e.g., The Wing, Hillel, fraternities/sororities, etc.).  
\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, please list the groups and explain your role:

23. How do you get your news? Please identify the names of any source(s) you regularly use, and fill in all that apply:

- a. Newspapers? \_\_\_\_\_  
\_\_\_\_\_  
b. Radio? (including Talk Radio and podcasts) \_\_\_\_\_  
c. Television or Cable News? \_\_\_\_\_  
d. Internet? (any specific websites?) \_\_\_\_\_  
\_\_\_\_\_  
e. Social Media (e.g., Facebook, Twitter, Instagram, Reddit, Parler, etc.)  
\_\_\_\_\_

24. Have you, a family member, or a close friend ever been a party in a civil lawsuit?

\_\_\_ YES \_\_\_ NO

If yes, were you/they (check all that apply)

	PLAINTIFF	DEFENDANT
Yourself	_____	_____
Family Member	_____	_____
Close Friend	_____	_____

25. Have you ever served on a jury? \_\_\_\_\_ YES \_\_\_\_\_ NO

- a. If yes, please state when, the type of case (civil, criminal, or grand jury), whether the jury reached a verdict, and whether you served as the foreperson: \_\_\_\_\_  
\_\_\_\_\_  
b. If yes, please briefly note how you felt about your overall experience as a juror:  
\_\_\_\_\_

26. If you served on a jury before, is there anything about your prior jury service that would impact your ability to be a fair and impartial juror on this case? ☐ YES ☐ NO

If yes, please explain:

27. Have you or an immediate family member ever been a victim of a violent crime?

☐ YES ☐ NO

If yes, please explain:

28. Have you or an immediate family member ever been injured in a car accident?

☐ YES ☐ NO

If yes, please explain:

29. Have you or an immediate family member ever been mistreated due to your race, color, religion, sex, national origin, or any other personal characteristic? ☐ YES ☐ NO

If yes, please explain:

30. Have you or an immediate family member ever felt discriminated against due to your/their religion? ☐ YES ☐ NO

If yes, please explain:

31. Have you, a family member, or a close friend ever participated in a march / protest (e.g., The Women's March, Anti-Tax Marches, Occupy Wall Street, March for Life, Anti-Mask, Lockdown mandate protests, political campaign rally)?

a. Yes, me (please explain) \_\_\_\_\_

b. Yes, a family member (please explain) \_\_\_\_\_

c. Yes, a close friend (please explain) \_\_\_\_\_

d. No.

32. Have you, a family member, or a close friend ever been arrested or injured in a march or protest? (please select all that apply)

	ARRESTED	INJURED
Yourself	_____	_____
Family member	_____	_____
Close friend	_____	_____

33. Are you familiar with the Black Lives Matter ("BLM") movement? \_\_\_\_ YES \_\_\_\_ NO

a. If yes, have you (please select all that apply)

- i. Shared posts in support of BLM on social media \_\_\_\_ YES \_\_\_\_ NO
- ii. Shared posts against BLM on social media \_\_\_\_ YES \_\_\_\_ NO
- iii. Attended protests in support of BLM \_\_\_\_ YES \_\_\_\_ NO
- iv. Attended protests against BLM \_\_\_\_ YES \_\_\_\_ NO
- v. Donated funds supporting BLM \_\_\_\_ YES \_\_\_\_ NO

b. If you know, has a close friend or family member (please select all that apply)

- i. Shared posts in support of BLM on social media \_\_\_\_ YES \_\_\_\_ NO
- ii. Shared posts against BLM on social media \_\_\_\_ YES \_\_\_\_ NO
- iii. Attended protests in support of BLM \_\_\_\_ YES \_\_\_\_ NO
- iv. Attended protests against BLM \_\_\_\_ YES \_\_\_\_ NO
- v. Donated funds supporting BLM \_\_\_\_ YES \_\_\_\_ NO

c. How would you rate your overall opinion on the Black Lives Matter movement?

- i. Extremely favorable
- ii. Somewhat favorable
- iii. Neutral / Neither favorable nor unfavorable
- iv. Somewhat unfavorable
- v. Extremely unfavorable

34. Are you familiar with "Antifa"? \_\_\_\_ YES \_\_\_\_ NO

a. If yes, how would you describe Antifa: \_\_\_\_\_

b. If yes, how would you rate your overall opinion on Antifa?

- i. Extremely favorable
- ii. Somewhat favorable
- iii. Neutral / Neither favorable nor unfavorable
- iv. Somewhat unfavorable
- v. Extremely unfavorable

35. Which of the following best describes what you believe statues of Confederate leaders (e.g., Robert E. Lee, Stonewall Jackson) represent? *(please select all that apply)*

- a. Southern Pride
- b. Historical Monuments
- c. Symbols of Racism
- d. Unsure

36. How strongly do you approve or disapprove of the removal of Confederate statues?

- a. Strongly approve
- b. Somewhat approve
- c. Neutral / neither approve nor disapprove
- d. Somewhat disapprove
- e. Strongly disapprove

37. How much of a problem, if it all, do you think antisemitism is in the United States today?

- a. A very serious problem
- b. Somewhat of a problem
- c. Not much of a problem
- d. Not a problem at all

38. Over the past 5 years, do you think antisemitism in the United States has

- a. Increased a lot
- b. Increased somewhat
- c. Stayed the same
- d. Decreased a little
- e. Decreased a lot

39. In recent years, do you think race relations in the United States have

- a. Gotten better
- b. Stayed the same
- c. Gotten worse

40. How often do you have discussions about race and race relations?

- a. All the time
- b. Often
- c. Sometimes
- d. Rarely or never

41. How concerned are you with the amount of \_\_\_\_\_ in the United States today?

- a. Prejudice against people of Jewish descent / Jewish culture
  - i. Extremely concerned
  - ii. Moderately concerned
  - iii. Somewhat concerned
  - iv. Slightly concerned
  - v. Not at all concerned
- b. Racism against Black / African American people
  - i. Extremely concerned
  - ii. Moderately concerned
  - iii. Somewhat concerned
  - iv. Slightly concerned
  - v. Not at all concerned
- c. Racism against Hispanic / Latino people
  - i. Extremely concerned
  - ii. Moderately concerned
  - iii. Somewhat concerned
  - iv. Slightly concerned
  - v. Not at all concerned
- d. Racism against White/Caucasian people
  - i. Extremely concerned
  - ii. Moderately concerned
  - iii. Somewhat concerned
  - iv. Slightly concerned
  - v. Not at all concerned

**Case Specific Questions**

42. This case involves allegations against the Defendants—identified as organizers and promoters of the “Unite the Right” rally held in Charlottesville on August 11-12, 2017—by the Plaintiffs—identified as private citizens who attended the Unite the Right rally as counter-protestors—that the Defendants were responsible for the injuries that the Plaintiffs suffered during Unite the Right. Have you heard or read anything about this case? \_\_\_\_ YES \_\_\_\_ NO

If YES, please explain what you have heard or read:

43. Is there anything about the nature of the allegations or the parties involved that would make it difficult for you to be a fair and impartial juror in such a case? \_\_\_\_ YES \_\_\_\_ NO

If YES, please explain:

44. Are you familiar with any of the following organizations / groups?

	<u>YES</u>	<u>NO</u>
Vanguard America	_____	_____
Traditionalist Worker Party	_____	_____
League of the South	_____	_____
National Socialist Movement	_____	_____
Nationalist Front	_____	_____
Fraternal Order of the Alt-Knights	_____	_____
Loyal White Knights of the Ku Klux Klan	_____	_____
East Coast Knights of the Ku Klux Klan (a/k/a East Coast Knights of the True Invisible Empire)	_____	_____
Identity Evropa	_____	_____

If you answered YES to any of the above, please explain how you are familiar with the organization(s) and if you know anyone who is or was ever a member of the organization(s). \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

45. Are you familiar with the Unite the Right rally that took place in Charlottesville, Virginia from August 11-12, 2017? \_\_\_\_ YES \_\_\_\_ NO

If YES, how would you describe the amount of media coverage you followed about the rally?

\_\_\_\_ A lot (read many articles or watched many television accounts)  
 \_\_\_\_ A moderate amount (just basic coverage in the news)  
 \_\_\_\_ A little (barely heard about it)

46. Did you follow the media / news surrounding the death of Heather Heyer and injuries to others at the Unite the Right rally? \_\_\_\_ YES \_\_\_\_ NO

If YES, how would you describe the amount of media coverage you followed about the rally?

\_\_\_\_ A lot (read many articles or watched many television accounts)

\_\_\_\_ A moderate amount (just basic coverage in the news)

\_\_\_\_ A little (barely heard about it)

47. Are you familiar with the organization "Integrity First for America"? \_\_\_\_ YES \_\_\_\_ NO

If YES, please describe:

48. The following names are a list of the Plaintiffs and Defendants named in this case. Do you know or have any personal connection whatsoever to any of the following individuals? \_\_\_\_ YES \_\_\_\_ NO

Plaintiffs

Elizabeth Sines  
Seth Wispelwey  
Marissa Blair  
Devin Willis  
April Muniz  
Marcus Martin  
Natalie Romero  
Chelsea Alvarado  
Thomas Baker

Defendants

Jason Kessler  
Richard Spencer  
Christopher Cantwell  
James Alex Fields, Jr.  
Andrew Anglin  
Robert "Azzmador" Ray  
Nathan Damigo  
Elliot Kline (aka Eli Mosley)  
Matthew Heimbach  
Matthew Parrott  
Michael Hill  
Michael Tubbs  
Jeff Schoep  
Augustus Sol Invictus  
Michael "Enoch" Peinovich

If YES, please explain:

49. The following names are a list of attorneys representing the Plaintiffs and the Defendants. Do you know, or have you ever been represented by, these lawyers or their law firms?

Kaplan Hecker & Fink LLP:

Alexandra Kendal Conlon, Benjamin D. White, Emily C. Cole, Jonathan R. Kay, Julie E. Fink, Michael L. Bloch, Raymond P. Tolentino, Roberta A. Kaplan, Yotam Barkai

Paul, Weiss, Rifkind, Wharton & Garrison LLP

Agbeko C. Petty, Arpine S. Lawyer, Jessica E. Phillips, Karen L. Dunn, Makiko B. Hiromi, Nicholas A. Butto, William A. Isaacson



Cooley LLP

Alan Levine, Alexandra Eber, Amanda L. Liverzani, Caitlin B. Munley, Daniel P. Roy, III, David E. Mills, Robert T. Cahill, Samantha A. Strauss, Joshua M. Siegel

Woods Rogers PLC: John B. Rottenborn

Boies Schiller Flexner LLP: Katherine M. Cheng

Kolenich Law Office: James E. Kolenich

Elmer Woodard

Bryan Jones Legal: Bryan Jones

Duane, Hauck, Davis & Gravatt, P.C.: David L. Campbell, Justin Saunders  
Gravatt

The ReBrook Law Office: William Edward ReBrook, IV

Smith LLC: Joshua Smith

\_\_\_ YES \_\_\_ NO.

If YES, please explain:

50. Are you or any of your close friends or family members employed by any of the lawyers or law firms in this case? \_\_\_ YES \_\_\_ NO

If YES, please explain:

51. Do you know any of the following individuals? \_\_\_ YES \_\_\_ NO

Deborah E. Lipstadt, Ph.D  
Stephen Fenton, P.E.  
Kathleen M. Blee, Ph.D.  
Peter Simi, Ph.D

If YES, please explain:

**COVID-19 Questions**

52. Within the last 14 days, have you traveled outside of Virginia? ☐ YES ☐ NO

If yes, please explain.

53. Within the last 14 days, have you been diagnosed with COVID-19? ☐ YES ☐ NO

If yes, please explain.

54. Within the last 14 days, have you had contact with anyone who has been diagnosed with COVID-19 or who is currently sick with suspected COVID-19? ☐ YES ☐ NO

If yes, please explain.

55. Within the last 14 days, have you, or someone you have been in close contact with, been directed to quarantine, isolate, or self-monitor?

☐ YES ☐ NO

If yes, please explain.

56. Within the last 14 days, have you experienced a fever or chills, persistent cough, shortness of breath or difficulty breathing, new loss of taste or smell, or other flu-like symptoms?

☐ YES ☐ NO

If yes, please explain.

57. Within the last 14 days, have you resided with, or been in close contact with, any person in the above-mentioned categories? ☐ YES ☐ NO

If yes, please explain.

58. Within the last 14 days, have you received a test for COVID-19? ☐ YES ☐ NO

If yes, when and what was the result?

59. Within the last 14 days, have you requested to be tested for COVID-19 and been denied the test? ☐ YES ☐ NO

If yes, please explain.

60. Are you a healthcare worker directly involved with the treatment of the COVID-19 disease, or work in another field that puts in you in direct contact with people who have been diagnosed with COVID-19? ☐ YES ☐ NO

If yes, please explain.

61. Are you over age 65, or a person of any age with an underlying medical condition that puts you at a higher risk of developing serious health complications from COVID-19, or do you live with or provide direct care for a vulnerable person? ☐ YES ☐ NO

If yes, please explain.

62. Do you have children at home who require your direct supervision due to school and/or daycare closings? Note: only answer YES if there is NO ONE else in the household who can provide care during your jury service. ☐ YES ☐ NO

If yes, please explain.

63. Have you experienced any economic or job-related hardships as a result of COVID-19 that you believe would have a significant impact on your ability to pay attention and fully concentrate on the evidence in this case? ☐ YES ☐ NO

If yes, please explain.

64. The Court will be implementing procedures to maintain physical distance and minimize the potential exposure to COVID-19 in the courtroom. Even with these precautions, do you have any concerns related to COVID-19 that would affect your ability to pay attention and fully concentrate on the evidence in this case?

☐ YES ☐ NO

If yes, please explain.

If yes, do you believe that you can set aside your concerns regarding COVID-19 and focus your attention on listening to the evidence and deliberating with other jurors?

\_\_\_ YES \_\_\_ NO

65. This case is scheduled to last four weeks, from October 25, 2021 to November 19, 2021. Does the COVID-19 pandemic make you particularly worried about sitting on a jury for such duration? \_\_\_ YES \_\_\_ NO

If yes, please explain.

66. Have you been vaccinated against COVID-19? \_\_\_ YES \_\_\_ NO

67. If yes to Number 66, do you still require another dose of a two-dose vaccine?

\_\_\_ YES \_\_\_ NO

If yes, please explain.

68. Are you willing to abide by any rules that the Court institutes regarding social distancing and wearing masks during trial if you are selected as a juror?

\_\_\_ YES \_\_\_ NO

If no, please explain.

69. Are you willing to notify the Court immediately if, during trial, you feel ill OR are exposed to anyone feeling ill?

\_\_\_ YES \_\_\_ NO

If no, please explain.

#### **Final Questions**

70. Under the law, the facts at issue in the trial are for the jury to determine. The law applicable to the allegations in the case is something on which the court will instruct you. You are required to accept the law as the judge explains it to you regardless of any opinions you might have as to what the law is or should be. Would you have any difficulty following that instruction if it was at odds with your own views of what the law should be? \_\_\_ YES \_\_\_ NO

If yes, please explain.

71. Do you have any moral, religious, or personal beliefs which would prevent you from rendering a fair and impartial verdict in this case, based solely on the evidence you will hear in the courtroom and the court's instructions on the law? ☐ YES ☐ NO

If YES, please explain:

72. Would you be able to *set aside* pre-conceived opinions (if any) you may have about the Unite the Right rally, this case and the parties therein, and reach a decision based solely upon the evidence you hear at trial in accordance with the law as instructed by the Court?  
☐ YES ☐ NO

If no, please explain.

73. Is there anything else that you think the Court should know that might influence your ability to fairly and impartially judge the evidence presented in this case and apply the law as instructed by the Court? ☐ YES ☐ NO

If yes, please explain.